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BEFORE THE ARIZONA CORPORATI

COMMISSIONERS

Arizona Corporation Commission

AZ CORP COMMISSION

DOCKET CONTROL

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

DOCKETED

JUN 26 2013

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DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
THE TOWN OF SAHUARITA TO UPGRADE A
CROSSING OF THE UNION PACIFIC RAILROAD
AT SAHUARITA ROAD IN THE TOWN OF
SAHUARITA, PIMA COUNTY, ARIZONA, USDOT
NO. 742-129-B.

DOCKET NO. RR-03639A-13-0193

AMENDED
PROCEDURAL ORDER

BY THE COMMISSION:

On June 11, 2013, the Town of Sahuarita ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Sahuarita Road in the Town of Sahuarita, Pima County, Arizona at USDOT No. 742-129-B ("Application").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Town of Sahuarita shall be considered an Application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **October 8, 2013, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, **Hearing Room # 2**, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the **TOWN OF SAHUARITA SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by the Application with a copy of the Application and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with Docket Control on or before 4:00 p.m. on **August 21, 2013**.

IT IS FURTHER ORDERED that any **objections to the Staff Report and associated exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **September 3, 2013**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **August 12, 2013**.

IT IS FURTHER ORDERED that **the Town of Sahuarita** shall provide **public notice** of the hearing in this matter, in the following form and style:

**IN THE MATTER OF THE APPLICATION OF THE TOWN OF
SAHUARITA TO UPGRADE A CROSSING OF THE UNION PACIFIC
RAILROAD AT SAHUARITA ROAD IN THE TOWN OF SAHUARITA,
PIMA COUNTY, ARIZONA, USDOT NO. 742-129-B.
(DOCKET NO. RR-03639A-13-0193)**

On June 11, 2013, the Town of Sahuarita ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Sahuarita Road in the Town of Sahuarita, Pima County, Arizona at USDOT No. 742-129-B.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on **October 8, 2013, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 12, 2013. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact the applicant at [insert telephone number]. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **the Town of Sahuarita** shall cause the above notice to be published at least once in a newspaper of general circulation in the city/county where the crossing is located, with **publication to be completed no later than July 12, 2013**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon the mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive the notice.

IT IS FURTHER ORDERED that **THE TOWN OF SAHUARITA SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been completed.


IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing

IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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1 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 20TH day of June, 2013.

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9 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 20TH day of June, 2013 to:

12 Alex Popovici, Manager
13 Industry & Public Projects
14 UNION PACIFIC RAILROAD COMPANY
15 631 South 7th Street
16 Phoenix, AZ 85734

17 Anthony J. Hancock
18 Terrance L. Sims
19 BEAUGUREAU, ZUKOWSKI
20 & HANCOCK, P.C.
21 302 East Coronado
22 Phoenix, AZ 85004
23 Attorneys for Union Pacific Railroad Co.

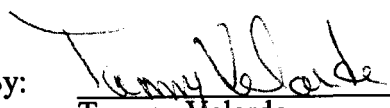
24 Vicki Bever
25 Manager, Utility & Railroad Engineering
26 ARIZONA DEPARTMENT OF
27 TRANSPORTATION
28 205 South 17th Avenue, M/D 618E
Phoenix, AZ 85007

Joel T. Harris
Department of Public Works
TOWN OF SAHUARITA
375 West Sahuarita Center Way
Sahuarita, AZ 85269

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Brian Lehman, Chief
Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
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ARIZONA REPORTING SERVICE, INC.
2200 North Central Street, Suite 502
Phoenix, AZ 85004

By: 
Tammy Velarde
Assistant to Marc Stern